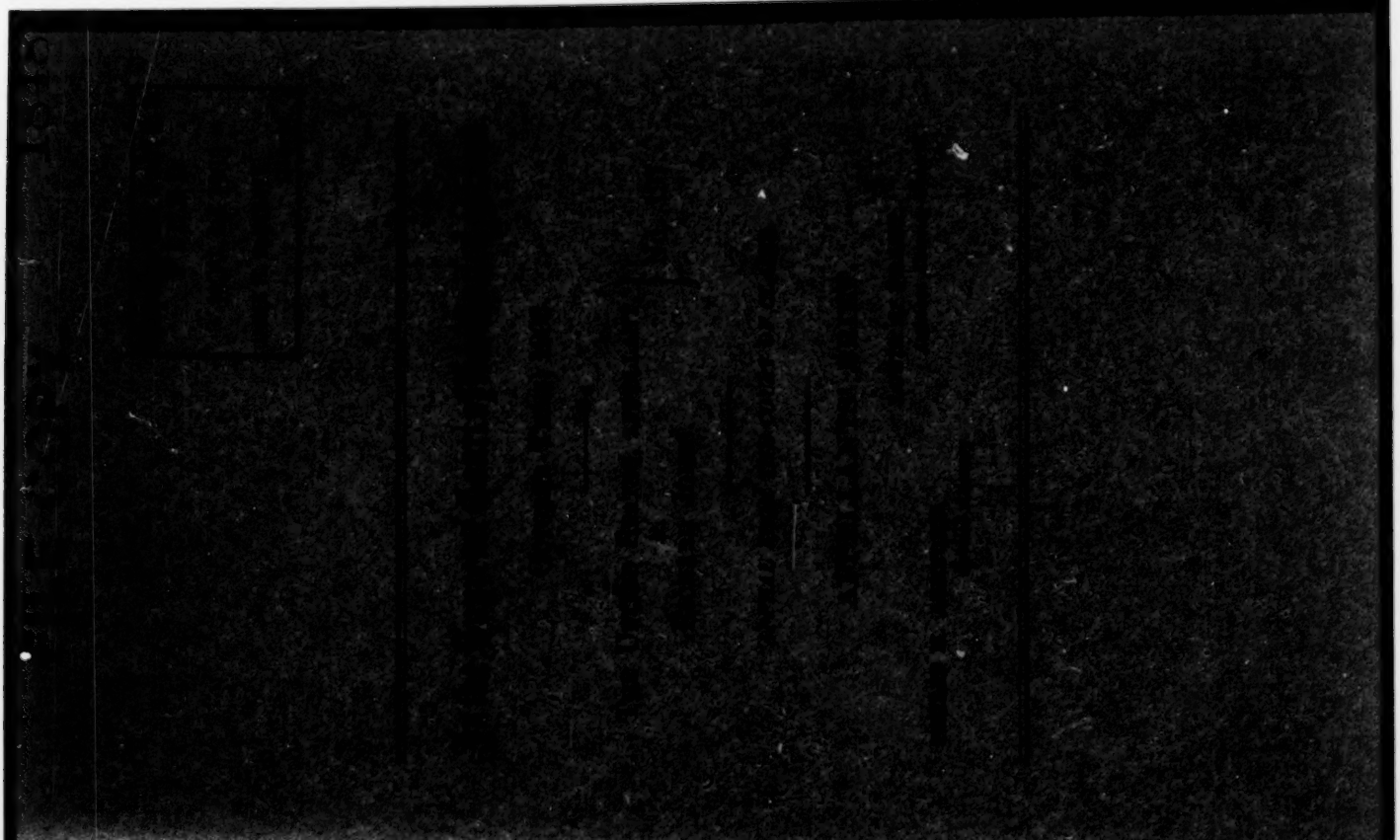


18490

# In the Supreme Court of the United States.

OCTOBER TERM, 1903.

THE UNITED STATES, APPELLANT,
*v.*
RICHARD JONES.
No. 197.

APPEAL FROM THE COURT OF CLAIMS.

## APPELLANTS' BRIEF.

### STATEMENT OF CASE.

The claimant below was clerk of the United States courts for the southern district of Alabama, during the time the services claimed for in this suit were performed. As such officer, he was authorized to administer oaths, and did, as a matter of fact, administer oaths to the United States marshal for said district on his accounts rendered in pursuance of the act of February 22, 1875 (18 Stat. L., 333). For said service he charged the United States for each oath 10 cents, and for each jurat 15 cents, amounting in all to $91.20 (item 6, Finding II, transcript, p. 4). Said charges, along with others, were disallowed by the accounting officers of the Treasury Department.

10937—03

On suit brought for said disallowances by the appellee, the Court of Claims rendered judgment in favor of the appellee for said item of $91.20, charged for services as above indicated.

### ASSIGNMENT OF ERROR.

The Court of Claims erred in rendering judgment against the appellant on the sixth item of the second finding of fact (transcript, p. 4).

### ARGUMENT.

Clerks, marshals, and district attorneys are required by the act of February 22, 1875 (18 Stat. L., 333), to present their accounts, duly sworn to, for approval. The said accounts are sworn to by the officer presenting the same, or by the person having knowledge of the facts, and the oaths are attached to the accounts. It is our contention that the making of the oath and attaching the same to the account is a part of the formality of presenting such accounts. No account of such officer is complete without the oath required by said act attached thereto. It is not ready for presentation to the court. The account can not be said to be "rendered" unless it has attached thereto the required oath, and of course the oath can not be attached to the account until the officer or other person having knowledge of the facts has been sworn. If we are correct in this contention, it follows that the expense incident to taking the required oath and attaching the same to the

account must be borne by the creditor—in this case the United States marshal.

This precise question has never been decided by this court. However, in the analogous case of *Van Duzee* (140 U. S., 169, paragraphs 2 and 3), the principle for which we here contend was enunciated. Mr. Justice Brown, speaking for the court, said:

> The charges for filing the oaths, bonds, and appointments of deputy marshals, jury commissioners, bailiffs, district attorneys and their assistants, are properly made against the Government and should be allowed; and where, by order of the court or custom of the office, it is the practice to require such documents to be recorded or entered upon the journal, the clerk's fees for such services are also properly chargeable. But the expense of taking the oaths and executing the proper bonds is not so chargeable, since it is the duty of persons receiving appointments from the Government to prepare and tender to the proper officer the oaths and bonds required by law; in other words, to qualify themselves for the office. What shall be done with such qualifying papers does not concern them; their own duty is discharged by the tender of such papers properly executed according to law.
>
> The same principle applies to the charges for approving the accounts of these officers. By the act of February 22, 1875 (18 Stat., 333, c. 95), "before any bill of costs shall

be taxed by any judge or other officer, or any account payable out of the money of the United States shall be allowed by any officer of the Treasury, in favor of clerks, marshals, or district attorneys, the party claiming such account shall render the same, with the vouchers and items thereof, to a United States circuit or district court, and in presence of the district attorney, or his sworn assistant, whose presence shall be noted on the record, prove in open court, to the satisfaction of the court, by his own oath or that of other persons having knowledge of the facts, to be attached to such account, that the services therein charged have been actually and necessarily performed as therein stated; and that the disbursements charged have been fully paid in lawful money; and the court shall thereupon cause to be entered of record an order approving or disapproving the account, as may be according to law, and just. United States commissioners shall forward their accounts, duly verified by oath, to the district attorneys of their respective districts, by whom they shall be submitted for approval in open court, and the court shall pass upon the same in the manner aforesaid. *It follows from this section that the officer has performed his duty by "rendering" his account in proper form to the court, with the proper affidavit or oath in support of the actual and necessary performance of the services therein charged.* He is not concerned with the method of verification adopted by the Government for

> its own convenience and protection, and is no more liable for the expense of entering the orders of approval of such accounts, or for the certified copies of such orders, than he is for the expense of auditing such accounts at the Treasury Department. The statute imposes upon the court to a certain extent the duties of an auditing officer, but such duties are imposed not for the benefit of the claimant, who is entitled to his statutory compensation for the services rendered, but for the protection of the Government, and the expenses attendant thereon are proper charges against the Government.

That part of the opinion above quoted in italics is specially applicable to the question at issue in the case at bar, and when taken in connection with the decision of the court in the case of *Jones* (147 U. S., 672, Item One), seems conclusive of our contention.

Mr. Justice Brown, speaking for the court in that case, also, said:

> Charges for entering orders approving marshal's accounts were allowed in the case of *United States* v. *Van Duzee* (140 U. S., 169, 171), and we have seen no reason to change the opinion there expressed. The labor of preparing one's own account for services or fees is a mere incident to the rendition of the service, and is universally assumed by the creditor as his own burden.

In the case of *Allred* v. *United States* (155 U. S., 591, 596) Mr. Justice Brown, in delivering the

opinion of the court, referred to the case of Van Duzee, above cited, and said:

> We held that where there was an express act of Congress requiring clerks, marshals, and district attorneys to render their accounts to the court, and to prove in open court by oath to be attached to such account that the services had been actually and necessarily performed, such officer had performed his duty by rendering his account in proper form to the court, with proper affidavit or oath, and was not further concerned with the method of verification adopted by the Government for its own convenience, and was not liable for the expense of entering the order of approval of such accounts.

The inference to be drawn from this language applicable to this case is that the expense of rendering the account in proper form, with the proper affidavit or oath attached thereto, must be borne by the officer. The decisions above cited, it seems to us, leave no room for doubt upon this question.

Judge Baker, of the district court for the district of Indiana, in the case of *Butler* v. *United States* (87 Fed. Rep., 655, 668), seems to have reached a different conclusion as to the purport and effect of the decisions above cited. He holds that the clerk is entitled to charge the United States for services rendered in administering the required oath to marshals on their accounts, and cites in support of his decision the identical cases from which we

have quoted above. It seems to us, however, that the opinion in the Butler case is based upon the false premise that the taking and attaching to the account of an oath that the services and expenses therein charged had been actually and necessarily performed or incurred was not a part of the rendition of the account in proper form as required by the act of February 22, 1875. The learned judge said:

> An account is "rendered" when it is presented. Rendering an account and proving an account are separate and distinct under the statute. The former does not include the latter.

Evidently it was intended in using the words "proving an account" to refer to the oath taken by the officer presenting the same, which was attached to the account. We think it is shown clearly by the decisions of this court, above cited, that this was a mistaken assumption. The oath is required by express act of Congress, and the officer has not done his duty with respect to "rendering" his accounts unless he has sworn to the same and had the oath attached thereto.

LOUIS A. PRADT,
*Assistant Attorney-General.*

PHILIP M. ASHFORD,
*Special Attorney.*

O

# APPELLEE'S BRIEF

FILE COPY.

Office Supreme Court U. S.
FILED
JAN 19 1904
JAMES H. MCKENNEY,
Clerk

IN THE

# Supreme Court of the United States.

OCTOBER TERM, 1903.

No. 167.

THE UNITED STATES, Appellant,

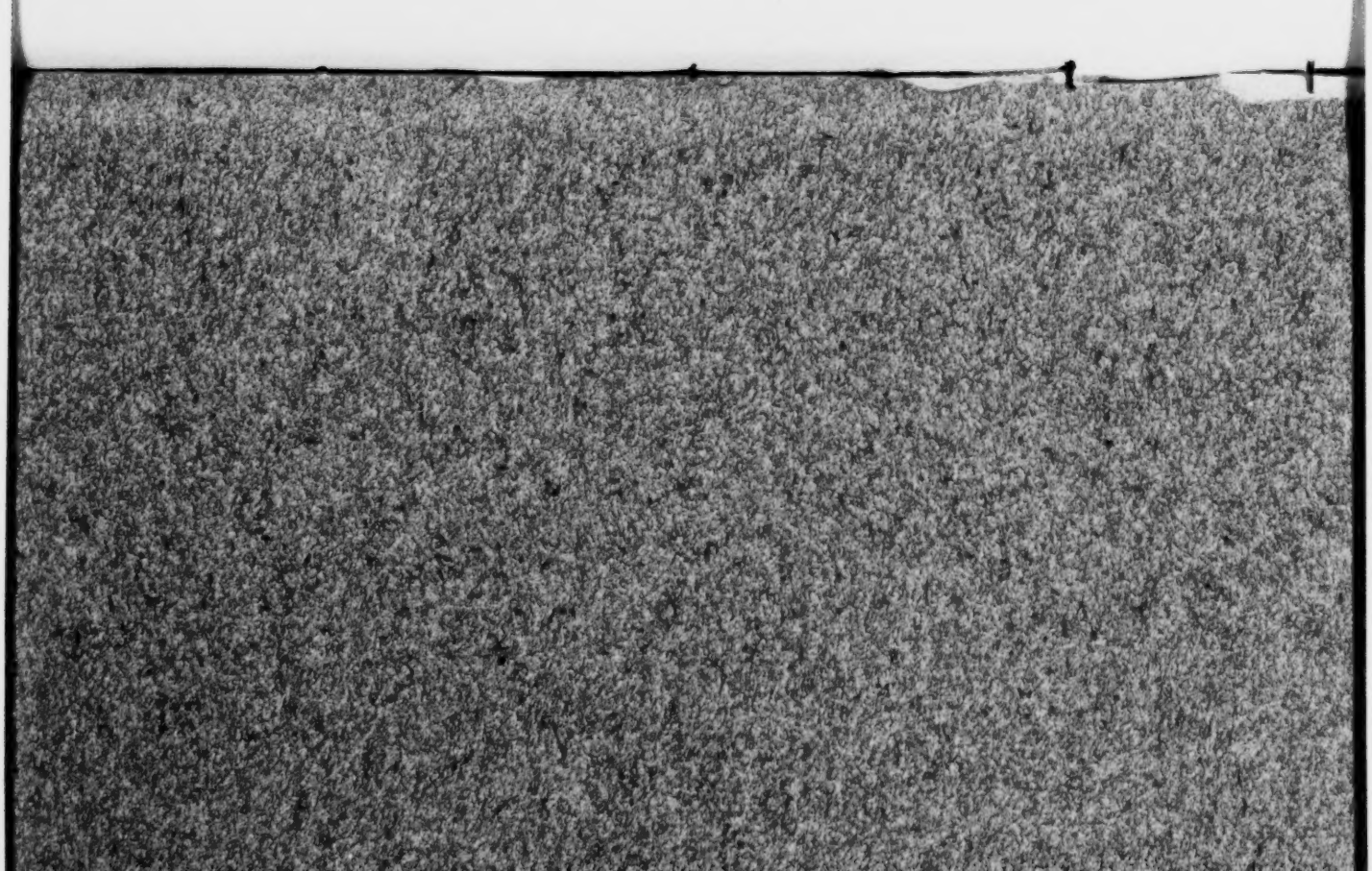
v.

RICHARD JONES.

APPEAL FROM THE COURT OF CLAIMS.

## BRIEF FOR APPELLEE.

GEORGE A. KING,
Attorney for Appellee.



18495

IN THE

# Supreme Court of the United States.

OCTOBER TERM, 1903.

THE UNITED STATES, *Appellant*,
*v.*
RICHARD JONES. } No. 197.

## BRIEF FOR APPELLEE.

### I. Statement of the Case.

The claimant and appellee, Richard Jones, brought suit in the Court of Claims for services of different kinds performed by him as clerk of the Circuit and District Courts of the United States for the Southern District of Alabama. The Court of Claims rendered the following findings of fact and conclusion of law (Record, pp. 3, 4):

"I. The claimant, Richard Jones, was at the several times of the rendition of the services hereinafter set forth, clerk of the circuit and district courts of the United States for the southern district of Alabama.

"As such clerk he rendered services for the United States, for which he rendered accounts to one of said courts, and said accounts were thereupon approved by such court as being in accordance with law and just. Subsequently said accounts were transmitted, with the order of approval, to the accounting officers of the Treasury, by whom several items hereinafter stated were disallowed.

"II. Item 1. Entries on original list of names drawn from jury box . . . . . $138.60
Item 2. Entering judgments in favor of the United States in judgment record book . . . . . 25.80
Item 3. Entries in cash book . . . . . 1.80
Item 4. Filing certificates of deposit . . 9.40
Item 5. Certificates to pay rolls of jurors and witnesses . . . . . .30
Item 6. Administering oaths and affixing jurats to accounts of United States marshals, at ten cents for each oath and fifteen cents for each jurat . . . . . 91.20

"CONCLUSION OF LAW. Upon the foregoing findings of fact the court decides, as a conclusion of law, that the claimant recover judgment of and from the United States on Items 2, 3, 4, 5, and 6 of Finding II, in the sum of one hundred and twenty-eight dollars and fifty cents ($128.50).

"Item 1 of said findings is disallowed."

The United States appealed from the judgment, and assigns as error the allowance of the 6th item above.

## II. Brief of Argument.

The question in this case, briefly stated, is whether a clerk of court is entitled to be paid by the United States for administering oaths and affixing jurats to the accounts of United States marshals and their deputies.

The question is in principle covered by the decision of this court in *United States* v. *Allred* (155 U. S. 591, 596):

"2. This ruling covers all but the 9th item, 'for administering oaths to deputy marshals to verify their accounts of service, as required by the Attorney-General, and the accounting officers of the Treasury.'

"In the case of *United States* v. *McDermott*, 140 U. S. 151, we held a commissioner and chief supervisor of elections to be entitled to fees for drawing affidavits of super-

visors as to the actual performance of the services for which compensation was claimed by them, and for administering the oath and drawing the jurat to such affidavits, upon the ground that the Attorney-General required these affidavits for the protection of the government, and that it was no more than right and just that it should pay for them. So also in *United States* v. *Van Duzee* (140 U. S. 169, 171, item 3), we held that where there was an express act of Congress requiring clerks, marshals, and district attorneys to render their accounts to the court, and to prove in open court by oath, to be attached to such account, that the service had been actually and necessarily performed, such officer had performed his duty by rendering his account in proper form to the court with proper affidavit or oath, and was not further concerned with the method of verification adopted by the government for its own convenience, and was not liable for the expense of entering the orders of approval of such accounts.

"As the regulations of the Department of Justice require deputy marshals to certify on oath that the accounts rendered to the marshal are correct, we think this case is controlled by those above cited, and that the court committed no error in allowing the item.

"The judgment of the court below is, therefore, affirmed."

This decision was followed by Judge Baker in the District Court for the District of Indiana in *Butler* v. *United States* (87 Fed. Rep. 655; cited with approval on another point in *United States* v. *Finnell*, 185 U. S. 236, 243); the grounds of the decision being thus stated (pp. 667, 668):

"The fees which are claimed for affidavits to the marshal's accounts were taxed and charged against the government under the act of Congress approved February 22, 1875 (18 Stat. 333), as interpreted by the supreme court in *United States* v. *Van Duzee*, 140 U. S. 169, 171 (item 3), 11 Sup. Ct. 758. Under that statute, a marshal is required to 'render' his accounts to the court, and to

'prove' them by his own affidavit. An account is 'rendered' when it is presented. Rendering an account, and proving an account, are separate and distinct transactions, under the statute. The former does not include the latter. The account is rendered for the benefit of the marshal. It is proved for the 'convenience and protection of the government,' and 'the expenses attendant thereon are proper charges against the government.' Such is the language of the supreme court, and the principle of the decision is plain. Whatever is done for the benefit of the marshal is chargeable against himself. Whatever is done for the 'convenience and protection' of the government is chargeable against itself. No charge by the clerk for affidavits was under consideration in this case. But in the case of *United States* v. *Allred*, 155 U. S. 591, 15 Sup. Ct. 231, where a charge for affidavits by deputy marshals to their accounts was under consideration, the supreme court held, in accordance with the principle of its decision in *United States* v. *Van Duzee, supra*, that the fees for these affidavits should be paid by the government. It is perfectly clear that, if the fees for affidavits by deputy marshals to their accounts are chargeable against the government, the fees for affidavits by marshals to their accounts must also be chargeable against the government, on the principle of the *Van Duzee* Case. Nevertheless, the accounting officers have invented a novel distinction between these two classes of affidavits, namely: Where an affidavit to an account is required, for the convenience and protection of the government, by an act of congress, it is not chargeable against the government; but where an affidavit to an account is required, for the convenience and protection of the government, by the attorney-general or the accounting officers, it is chargeable against the government. Marsh's Case, 2 Dec. Comp. 482.

"In *United States* v. *Jones*, 147 U. S. 672, 673 (item 1), 13 Sup. Ct. 437, the supreme court placed its own construction on its decision in *United States* v. *Van Duzee, supra*, as follows:

"'The labor of preparing one's own accounts for services or fees is a mere incident to the rendition of the

service, and is universally assumed by the creditor as his own burden; but the approval of the account of another stands upon a different footing, and if performed at the request of the government, or under a statute requiring it to be performed for the protection of the government, there is no reason why the clerk should not receive such fees therefor as he receives for analogous services in other matters.'

"These considerations, in the opinion of the court, justify and require the allowance of fees in question. So ordered."

The question was presented in a somewhat different form in *Puleston* v. *United States* (85 Fed. Rep. 570), where the marshal paid the clerk for these oaths and jurats. It was held that as the marshal is now a salaried officer, it is intended that he shall receive the net salary free of all expense, establishing his right to a credit for disbursement. This decision was affirmed on appeal by the Circuit Court of Appeals (106 Fed. Rep. 294).

Similar items were allowed in *Marsh* v. *United States* (88 Fed. Rep. 879; item 24, pp. 886, 887; items 27, etc. foot of p. 887; items 41, etc. pp. 888, 889; items 54, etc. p. 889). Subsequent decisions in the same case (106 Fed. Rep. 474; 109 Fed. Rep. 236; 112 Fed. Rep. 929) do not overrule the allowance of these items.

These authorities fully sustain the action of the Court of Claims in the allowance of this item.

The judgment of the Court of Claims should be affirmed.

GEORGE A. KING,
*Attorney for Appellee.*

CLERK'S OFFICE 18500

# TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1903.

No. 198.

THE UNITED STATES, APPELLANT,

vs.

CHARLES H. GILDERSLEEVE.

APPEAL FROM THE COURT OF CLAIMS.

FILED JANUARY 21, 1903.

(18793.)

18501

# SUPREME COURT OF THE UNITED STATES.

## OCTOBER TERM, 1903.

## No. 198.

THE UNITED STATES, APPELLANT,

vs.

CHARLES H. GILDERSLEEVE.

APPEAL FROM THE COURT OF CLAIMS.

INDEX.


| | Original. | Print. |
|---|---|---|
| Petition | 1 | 1 |
| Appendix A—Account | 2 | 2 |
| Traverse | 3 | 2 |
| Findings of fact | 4 | 2 |
| Conclusion of law | 6 | 4 |
| Judgment | 6 | 5 |
| Motion by defendant for new trial | 7 | 5 |
| Order overruling motion for new trial | 7 | 5 |
| Application for appeal | 8 | 5 |
| Order allowing appeal | 8 | 5 |
| Clerk's certificate | 9 | 6 |


27636—03

18502

1 In the Court of Claims.

CHARLES H. GILDERSLEEVE
*v.*
THE UNITED STATES. } No. 21752.

*I. Petition. Filed March 6, 1900.*

*To the honorable the Court of Claims:*

The claimant, Charles H. Gildersleeve, respectfully represents:

1. That he was from January 1st, 1897, to March 31, 1898, clerk of the United States district court for the first district of New Mexico, and during said period became entitled to certain fees from the United States for services rendered as such clerk.

2. That he presented his accounts for said services, as required by law, through the district attorney to the judge of the United States district court in said first district of New Mexico, and said accounts were, so far as included herein, duly approved by the court and were then by the claimant presented for payment to the Auditor for the State and other Departments in the Department of the Treasury.

3. That allowances were made by the Auditor upon said accounts by certificates 44708, 44709, and 56386, and said amounts so allowed have been paid, but numerous items of said accounts have been disallowed by said Auditor, although justly due to this claimant, as will more fully appear in the table hereto attached, marked "Appendix A," and by the original items of account filed in the Treasury Department as aforesaid, to which the claimant asks leave to refer as a part of this petition.

4. That by reason of the facts aforesaid there is due to the claimant the sum of four hundred dollars and twenty cents ($400.20), for which claim is now made.

2 No other action than as aforesaid has been had on this claim in Congress or by any of the Departments.

The claimant is the sole owner of this claim and the only person interested therein, and no assignment or transfer of this claim, or of any part thereof or interest therein, has been made.

The claimant is justly entitled to the amount herein claimed from the United States, after allowing all just credits and offsets. The claimant is a citizen of the United States, and has at all times borne true allegiance to the Government thereof, and has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government; and the claimant believes the facts as stated in this petition to be true. And the claimant prays judgment in the sum of four hundred dollars and twenty cents ($400.20).

GEORGE A. & WM. B. KING,
*Attorneys for Claimant.*

CHARLES H. GILDERSLEEVE,
*Claimant.*

STATE OF NEW YORK, *City and County of New York:*

CHARLES H. GILDERSLEEVE, being duly sworn, deposes and says: I am the claimant in this case. I have read the above petition, and the matters therein stated are true, to the best of my knowledge and belief.

CHARLES H. GILDERSLEEVE.

Subscribed and sworn to before me this first day of March, 1900.

[SEAL.] JAMES SIMMONS,
*Notary Public, No. 52.*

APPENDIX "A."

*Items of account, certificate 44708, January 1 to June 30, 1897.*

| | | |
|---|---|---|
| 1. | Affidavits of various defendants to their poverty ..... | $1.20 |
| | Filing defendants' motions in same cases..... | 4.00 |
| 2. | Issuing subpœnas for jurors, with seals ..... | 54.90 |
| 3. | Preparing judge's docket..... ..... | 24.60 |
| 4. | Filing oaths and affidavits of poverty..... | 1.20 |

*Items of account, certificate 44708, July 1 to December 31, 1897.*

| | | |
|---|---|---|
| 1. | Making up appeal papers on behalf of the defendants in case of United States v. Reavis, directly ordered by the court. | $259.60 |
| 2. | Issuing subpœnas for jurors and seals..... | 54.90 |

3 *II. Traverse. Filed May 15, 1902.*

CHARLES H. GILDERSLEEVE
v.
UNITED STATES. } No. 21752.

And now comes the Attorney-General, on behalf of the United States, and answering the petition of the claimant herein, denies each and every allegation therein contained, and asks judgment that the petition be dismissed.

L. A. PRADT,
*Assistant Attorney-General.*

4 *III. Findings of fact and conclusion of law. Filed May 19, 1902.*

This case having been heard by the Court of Claims, the court, upon the evidence, makes the following

*Findings of fact.*

I.

The claimant, Charles H. Gildersleeve, was, during the time covered by this claim, clerk of the district court of the first judicial district of the Territory of New Mexico. As such clerk he from time to time during the calendar year 1897 performed services as herein stated, and his

accounts for the same were submitted to said court in the presence of the district attorney of the United States, and the court thereupon entered an order approving the charges as being in accordance with law and just. The accounts were then forwarded to the accounting officers of the Treasury, by whom the items hereinafter specifically set forth were disallowed under decisions of the Comptroller of the Treasury.

II.

The items so disallowed were as follows:

1. Making up appeal papers on behalf of the defendant in the case of The United States v. James Addison Peralta-Reavis, indicted for conspiracy and convicted thereof in said district court upon the following affidavit and order of said court therefor:

"In the district court of the first judicial district of the Territory of New Mexico.

THE UNITED STATES OF AMERICA, plaintiff, *v.* JAMES ADDISON REAVIS, DEFENDANT. } Conspiracy. No. 1620.

James Addison Reavis, being duly sworn, on his oath says that he is the plaintiff in error in the case of James Addison Reavis v. The United States of America, in which case a writ of error has been sued out from the supreme court of the Territory of New Mexico to the district court of the first judicial district of the Territory of New Mexico; that he is informed that the fees of the clerk of said district court for making and certifying a complete record in said cause will be about $400.00; that he is entirely without means with which to pay the said clerk for such service, and that he knows of no source from which he can procure or obtain the amount or any amount of money to defray the expenses in perfecting his said appeal to the supreme court of the Territory of New Mexico; and that if he can not obtain the said transcript of said record without paying the clerk of said district court his said fees therefor he will not be able to present his said cause to the said supreme court.

(Signed) JAMES ADDISON REAVIS.

Subscribed and sworn to before me this 28th day of October, A. D. 1896.

[SEAL OF DISTRICT COURT.] GEO. L. WYLLYS,
*Clerk of the District Court of the First Judicial District of the Territory of New Mexico.*"

5 "THE UNITED STATES *v.* JAMES ADDISON REAVIS, ALIAS JAMES ADDISON PERALTA-REAVIS, alias James Addison Peraltariaves, and Jose Miguel Noe. } Conspiracy. No. 1620.

Upon reading the affidavit of the defendant, and it being made to appear to the satisfaction of the court that the said defendant, James

Addison Reavis, is unable to provide funds for the preparation of the transcript of record of his said case for review by the supreme court of Territory of New Mexico,

It is ordered by the court that the clerk of this court prepare said transcript with all convenient speed and transmit the same, duly certified, to the clerk of the supreme court of the Territory of New Mexico.

(Signed) N. B. LAUGHLIN,
*Associate Justice, etc.*"

(Certified copies of above papers on file.)

The particulars of said charges are as follows:

| | |
|---|---|
| 1. July 10, 1897. Filing transcript in response to writ of error from the supreme court of New Mexico | $0.20 |
| Certificate and seal | .70 |
| 1,264 folios and seal, at 20 cents | 253.80 |
| Certificate and seal | .70 |
| Certified order of court that clerk prepare transcript for poor debtor, 2 folios | .60 |
| Certificate and seal | .70 |
| Certified copy of affidavit of poor debtor, 3 folios | .90 |
| Certificate and seal | .70 |
| Certified copy of præcipe of attorney for defendant, 2 folios | .60 |
| Certificate and seal | .70 |
| | 259.60 |

The disallowance by the accounting officers was on the ground that "Appeal papers on behalf of defendant, although ordered by the court, are not chargeable against the United States."

An additional objection was made to certificates and seals.

| | |
|---|---|
| 2. Preparing similar affidavits of various defendants to their poverty | $1.20 |
| Filing said affidavits of poverty | 1.20 |
| Filing defendants' motions in same case | 4.00 |
| | 6.40 |
| 3. Issuing 122 subpœnas for grand and petit jurors, by order of the court, at 50 cents each | $61.00 |
| Seals on same, at 40 cents | 48.80 |
| 4. Preparing the judge's docket, 41 cases, 82 folios, 30 cents each | 24.60 |

6 CONCLUSION OF LAW.

Upon the foregoing findings of fact the court decides, as a conclusion of law, that the claimant recover judgment from the United States on items 1, 2, the item of 122 subpœnas, of item 3, of Findings II, in the sum of three hundred and twenty-seven dollars ($327).

All other items not abandoned or withdrawn are disallowed.

BY THE COURT.

*IV. Judgment of the court.*

CHARLES H. GILDERSLEEVE
*vs.*
THE UNITED STATES. } No. 21752.

At a Court of Claims held in the city of Washington on the 19th day of May, 1902, judgment was entered *is* follows:

The court, on due consideration of the premises, find for the claimant, and do order, adjudge, and decree that the said claimant, Charles H. Gildersleeve, have and recover of and from the United States the sum of three hundred and twenty-seven dollars ($327).

BY THE COURT.

7 *Motion of defendants for new trial and order overruling same.*

Now come the defendants, by their Attorney-General, and move for a new trial in this case on the grounds of error of law in this:

That judgment was rendered for the claimant on the first, second, and part of the third items of the second finding of fact, when judgment ought to have been rendered thereon for the defendants.

L. A. PRADT,
*Asst. Attorney-General.*
PHILIP M. ASHFORD,
*Assistant Attorney.*

*Order.*

Overruled for indefiniteness.

BY THE COURT.

JANUARY 12, 1903.

8 *IV. Application for and allowance of appeal.*

CHARLES H. GILDERSLEEVE
*vs.*
THE UNITED STATES. } No. 21752.

From the judgment rendered in the above-entitled cause on the 19th day of May, 1902, in favor of the claimant, the defendants, by their Attorney-General, on the 23d day of September, 1902, make application for, and give notice of, an appeal to the Supreme Court of the United States.

L. A. PRADT,
*Assistant Attorney-General.*

Filed September 23, 1902.

At a Court of Claims, held January 13, 1903, it was ordered that the foregoing application for appeal be allowed as prayed for.

BY THE COURT.

9 Court of Claims.

CHARLES H. GILDERSLEEVE
*vs.*
THE UNITED STATES. } No. 21752.

I, John Randolph, assistant clerk of the Court of Claims, certify that the foregoing are true transcripts of the pleadings in the above-entitled cause, of the findings of fact and conclusion of law filed by the court, of the judgment of the court, and of the application for and allowance of appeal to the Supreme Court of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court of Claims this 17 day of January, A. D. 1903.

[SEAL.] JOHN RANDOLPH,
*Asst. Clerk Court of Claims.*

(Indorsement on cover:) File No. 18793. Court of Claims. Term No. 198. The United States, appellant, vs. Charles H. Gildersleeve. Filed January 21st, 1903.